

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-66

v.

HON. JANET T. NEFF

ELISEO ISRAEL JACQUES,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Eliseo Israel Jacques has filed a motion for modification or reduction of sentence (Dkt 31) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Report of Eligibility (Dkt 34) and Defendant has filed a Response (Dkt 38).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Report of Eligibility (Dkt 34) and Defendant's response (Dkt 38), the Court has determined that the defendant is ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission. Defendant's base offense level (and total offense level) does not change as a result of Amendment 782. Mr. Jacques wishes to preserve

the issue for future consideration should the law change. See *Cvijetinovic v. Eberlin*, 617 F.3d 833, 840 (6th Cir. 2010).

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 31) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: January 5, 2016

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge